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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Manuel Raul Reyos Pena Garcia Montero,) No. CV 08-1013-PHX-DGC (JJM)

10 Petitioner,

ORDER

11 vs.

12 Senator McCain, et al.,

13 Respondents.
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16 Petitioner Manuel Raul Reyos Pena Garcia Montero, who is confined in the Federal
17 Correctional Institution Satellite Camp in Terre Haute, Indiana, has filed a *pro se* Petition for
18 Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner has also filed a Request to
19 Proceed *In Forma Pauperis* (Doc. #3), but his Request is not certified as required by Rule
20 3.5(b) of the Local Rules of Civil Procedure. Ordinarily the Court would grant Petitioner
21 leave to file a corrected application to proceed *in forma pauperis*, but that would be futile in
22 this case because the underlying Petition has no arguable basis in law or in fact.

23 Because Petitioner's claims for relief defy description, they are set forth below
24 verbatim:

25 Ya, /SIMPLE CONSTITUTIONAL QUESTION AFFECTING THE
26 PRESIDENT ILEGAL AUTHORITY EVEN MIMI PEARL FROM THE
O'PRY LAND TNT kAN kAN ANSWER WITH OUT HANK'S WILLIAMS

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Ground 1: /John Adams Damn hell buggus 'CONGRESSIONAL WRIT's OF ELECTION 1823-24 THAT GOT SEXY JOHN Q.ADAMS TO THE MISSISSISSIPPI HOUSE 'YAZOO,

Supporting Facts: 'PRESIDENT AND VICE PRESIDENT IN AMERICA's 'ARE ELECTED BY CHUSEN ELECTOR /Not College 'Pursuant to Article II'

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Ground 2: The Highest Courthouse Ruling 2000 /Case 00-949

Supporting Facts: Constitutional Challenge by Plaintiff Say 'June 2000' 'APPLICATION FOR WRIT OF CERTIORARI's See Responser's CRIMINAL CONSTITUTIONAL INJUCTION's /Art II.

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Petition at 3-4. A review of the online PACER U.S. Party/Case Index confirms that Petitioner has filed numerous similar actions against the President and former President of the United States in federal district courts throughout the country.

"Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement." Rumsfeld v. Padilla, 542 U.S. 426, 447 (2004). Petitioner is incarcerated in the Federal Correctional Institution Satellite Camp in Terre Haute, Indiana. Accordingly, this Court does not have jurisdiction over Petitioner's custodian. See id. at 443 (habeas corpus jurisdiction lies only in the district of confinement).

Under the Federal Courts Improvement Act, if a "court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action . . . to any other such court in which the action . . . could have been brought at the time it was filed." 28 U.S.C. § 1631; Miller v. Hambrick, 905 F.2d 259, 262 (9th Cir. 1990). This action could have been brought in the United States District Court for the Southern District of Indiana where Petitioner's immediate custodian resides. The Court finds that a transfer to the Southern District of Indiana is not in the interest of justice, however, because the underlying action has no arguable basis in law or in fact.

IT IS ORDERED that Petitioner's Request to Proceed *In Forma Pauperis* (Doc. #3) is **denied**.

IT IS FURTHER ORDERED that the Petition and this action are **dismissed** for lack of jurisdiction. The Clerk of Court must enter judgment accordingly.

David G. Campbell

David G. Campbell
United States District Judge